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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/186,469 01/26/94 ALMEIDA

A EXAMINER

34M1/0222

LEE, K  
ART UNIT PAPER NUMBER

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 PENNSYLVANIA AVE., N.W.  
WASHINGTON, DC 20037

DATE MAILED: 3497

02/22/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☒ Responsive to communication filed on 10/28/94 ☐ This action is made final.  
A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

- ☒ Claims 2 is are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☒ Claims 1 has have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☒ Claims 2 is are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

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EXAMINER'S ACTION

**PART III DETAILED ACTION**

1) Applicant's comments and arguments presented in the amendment filed October 28, 1994 have been fully considered by the examiner. Claim 1 is noted to have been cancelled and claim 2 substituted therefore. Applicant's comments concerning the Illing reference is deemed persuasive over the canceled claim 1 and the pending claim 2. Applicant should disregard the reference to the Evans et al patent in the previous Office action as this reference and its patent number is not readily known to the examiner. The Evans et al reference was cited as prior art of interest and was not relied on in the rejection of the claim.

It is further noted that applicant has stated on page 2 of the amendment that the amendment is to contain copies of the Figs. 1-3 showing proposed labeling of the figures as "PRIOR ART." These proposed drawing changes, however, were not filed with the amendment and are missing from the file. Applicant is requested to provide a copy of these proposed changes as well as the following drawing corrections noted below in response to this Office action.

2) The drawings are objected to because the reference numerals "2", "5" and "6" labeled in Fig. 4 are also present in the prior art Fig. 2. Applicant should not use the same reference numerals

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in the figures illustrating the invention and the figures illustrating the prior art so as to avoid confusion. Correction is required.

3) The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claim 2 is rejected under 35 U.S.C. § 103 as being unpatentable over von Schwerdtner et al. The patent to von Schwerdtner et al is readable as disclosing a valve seat (6) mounted in a housing of a gate valve. The valve seat (6) has a continuously open passage (S) through which the fluid medium is allowed to flow. The passage (S) of the valve seat (6) has a curved inlet portion (4) defining a nozzle, a straight intermediate portion (Z), and an outwardly tapered conical shaped outlet portion at the lower end of the seat (6). Von Schwerdtner

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et al states that the fluid medium used through the valve is steam, col. 1, lines 59-61. It would have been a matter of expedient design to use gas as the fluid medium in the valve of von Schwerdtner. It is noted that the recitation in line 1 of the claim that the valve is intended "for use in oil-wells producing by continuous gas-lift" is considered a suggested use and is given no patentable weight.

4) Any inquiry concerning this communication should be directed to KEVIN LEE at telephone number (703) 308-1025.

The Group 3400 fax number is (703) 305-3463.

February 16, 1995

*Kevin Lee*  
KEVIN LEE  
PATENT EXAMINER  
GROUP 3400